

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OFFICIAL COMMITTEE OF UNSECURED CREDITORS,)	3:13-cv-00010-RCJ-WGC
)	<u>MINUTES OF PROCEEDINGS</u>
Plaintiff,)	
vs.)	October 10, 2013
)	
GIACOMO MARINI, <i>et al.</i> ,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: _____ FTR

COUNSEL FOR PLAINTIFF(S): Alan J. Stomel (Telephonically)

COUNSEL FOR DEFENDANTS: Cynthia Alexander, Kaaran Thomas, Timothy Rowe,

David Schwartz, Lisa Chapman (Telephonically)

MINUTES OF PROCEEDINGS: Status Conference

10:33 a.m. Court convenes.

The court holds today's hearing to discuss various matters relating to Plaintiff's Emergency Motion for Stay (Doc. # 220). Oppositions to Plaintiff's motion were filed on behalf of the Defendants including: Big Sky Venture Capital III, LLC and Big Sky Venture Capital IV, LLC, Doc. # 229; Noventi Ventures II, LP, Doc. #231; and the remaining individual defendants, Doc. # 236.

The court begins today's hearing **GRANTING** Defendant Noventi Ventures II, LP, Request for Judicial Notice in Support of Opposition to Plaintiff's Emergency Motion for Stay (Doc. # 233) and **DENYING** the individual Defendants' Request for Judicial Notice in Support of Opposition to Plaintiff's Emergency Motion for Stay (Doc. # 237).

The Court makes the observation that the characterization of Plaintiff's Emergency Motion for Stay appears to request a stay of the case, which is typically within the purview of Chief Judge Jones to address and consider. However, the context of the motion appears to suggest that Plaintiff's motion is either a request in stay of discovery or a modification of the scheduling order. The court advises the parties that it will treat Plaintiff's Motion for Stay as a request for stay of discovery; however, Chief Judge Jones may also want to address the matter of

MINUTES OF PROCEEDINGS

3:13-cv-00010-RCJ-WGC

Date: October 10, 2013

Page 2

a stay in this case. Nevertheless, for the purpose of this hearing, Plaintiff's Motion for Stay (Doc. # 220) will be addressed today in the jurisdiction of the Magistrate Judge.

The court hears from counsel with regard to their respective positions concerning Plaintiff's motion for stay.

After hearing from counsel, the Court does not find Plaintiff's grounds for its Motion for Stay reasonable. Assuming Plaintiff is able to accomplish the following in ninety (90) days is unrealistic: (1) secure a modification to the existing fee agreement, which would require approval from the bankruptcy court; (2) litigate Plaintiff's Motion for Summary Judgement in the bankruptcy court against Defendant Mosebar with a favorable ruling; (3) file a Rule 54(b) motion for certification because, in the court's perspective, the Motion for Summary Judgment is not a final judgment; (4) assume Mr. Mosebar will not appeal a final judgment if not in his favor; (5) execute the final judgement; and finally (6) presuming Plaintiff is able to obtain financial assets sufficient enough to retain an expert, he or she who would have to be fully briefed regarding this matter.

The court notes that Plaintiff has known the deadline for disclosure of the expert reports since September 19, 2013, when the court granted in part and denied in part Plaintiff's Motion for Relief from Scheduling Order (Doc. # 213) in Court Order, Doc. # 216.

In conclusion, Plaintiff's Emergency Motion for Stay (Doc. # 220) is **DENIED**.

IT IS SO ORDERED.

11:20 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: _____ /s/
Katie Lynn Ogden, Deputy Clerk